

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

SALVADOR CELAYA,  
*Petitioner.*

No. 2 CA-CR 2015-0241-PR  
Filed September 24, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
NOT FOR PUBLICATION  
*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.*

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Petition for Review from the Superior Court in Pima County  
No. CR20113763001  
The Honorable Jane L. Eikleberry, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Barbara LaWall, Pima County Attorney  
By Jacob R. Lines, Deputy County Attorney, Tucson  
*Counsel for Respondent*

Salvador Celaya, Florence  
*In Propria Persona*

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**MEMORANDUM DECISION**

Presiding Judge Miller authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Espinosa concurred.

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M I L L E R, Presiding Judge:

¶1 Salvador Celaya seeks review of the trial court’s order dismissing his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly abused its discretion. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Celaya has not met his burden of demonstrating such abuse here.

¶2 After separate jury trials, Celaya was convicted of two counts of disorderly conduct, aggravated assault on a police officer, possession of a dangerous drug, two counts of possession of a narcotic drug, and possession of drug paraphernalia. The trial court sentenced him to concurrent and consecutive sentences totaling eleven years, to be followed by three concurrent terms of three years’ probation. We affirmed his convictions on appeal, as well as his sentences as modified, vacating the criminal restitution award entered at sentencing. *State v. Celaya*, No. 2 CA-CR 2012-0493 (memorandum decision filed Apr. 10, 2014).

¶3 Celaya sought post-conviction relief, and appointed counsel filed a notice stating he had reviewed the record but had found no “claims for relief to raise in Rule 32 post-conviction proceedings.” Celaya then filed a pro se petition for post-conviction relief listing eighty-five claims of error, mostly consisting of various claims of ineffective assistance of counsel, as well as claims of prosecutorial misconduct. He also raised a claim of newly discovered evidence and that his sentence was “unduly harsh and excessive and unconstitutional.”

¶4 The trial court summarily denied relief in a detailed order that categorized and summarized his many claims. It found precluded Celaya’s sentencing claim and his claims of prosecutorial

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misconduct. It observed that many of Celaya's claims were repetitive and "unsupported in the petition." The court identified and rejected five distinct claims, specifically that counsel had failed to: (1) make adequate objections, (2) present evidence that Celaya had suffered five broken ribs instead of three during his encounter with police officers, (3) present mitigation evidence, (4) seek to move the case to mental health courts, and (5) seek to designate Celaya's class six felonies as misdemeanors. It also rejected Celaya's claim of newly discovered evidence. This petition for review followed.

¶5 On review, Celaya summarizes some of his claims, but identifies no error in the trial court's summary rejection of them. And he cites neither the record nor authority in support of his arguments. Thus, Celaya has waived these claims on review. *See State v. Stefanovich*, 232 Ariz. 154, ¶ 16, 302 P.3d 679, 683 (App. 2013). Celaya additionally suggests the court erred by "only pick[ing] out 5 or 6" claims to address in detail, and requests "a response to all of them that are not repetitive." But nothing in Rule 32 requires a trial court to address in detail each claim raised by a defendant. Rule 32.6(c) instead permits a court to summarily dispose of claims that do not "present[] a material issue of fact or law which would entitle the defendant to relief."

¶6 In any event, we reviewed the claims Celaya raised in his petition and agree with the trial court that the vast majority of them are not adequately developed or supported. *See Ariz. R. Crim. P. 32.5* (petition must include "[a]ffidavits, records, or other evidence currently available to the defendant supporting the allegations of the petition" and "[l]egal and record citations and memoranda of points and authorities are required"). We also agree with the court's resolution of Celaya's remaining claims. Accordingly, we adopt the court's ruling. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised "in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court rehashing the trial court's correct ruling in a written decision").

¶7 Although we grant review, we deny relief.